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IN THE FEDERAL DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

ANTONIA IVANOVA, an individual,

Plaintiff,

v.

OREGON HEALTH AND SCIENCE
UNIVERSITY, an independent public
corporation,

Defendants.

Case No.: 3:24-cv-01254-AB

**NOTICE OF DEFENDANT'S CONSENT
TO FILING OF SECOND AMENDED
COMPLAINT UNDER FRCP 15(a)(2) [Doc
23]**

RESPONSE

Pursuant to Federal Rule of Civil Procedure 15(a)(2), Defendant Oregon Health and Science University ("OHSU") submits this notice of its written consent to Plaintiff's Second Amended Complaint ("SAC") (Dkt. 23) removing all claims except Plaintiff's failure-to-accommodate claim under Title VII of the Civil Rights Act of 1964 ("Title VII"). Rule 15 allows a plaintiff to "amend its pleading . . . with the opposing party's written consent . . ." Fed. R. Civ. P. 15(a)(2). "Once the adverse party has consented to the amendment of a pleading," the Court need take no further action and "has no control over the matter under Rule 15(a)." *Fern v. United*

States, 213 F.2d 674, 677 (9th Cir. 1954); accord *Williams v. Perdue*, No. C19-0444-JCC, 2020 WL 5996431, at *1 (W.D. Wash. Oct. 9, 2020); *Atlas v. Arnold*, No. CV 15-01504 RSWL (RAO), 2016 WL 11521727, at *3 (C.D. Cal. Oct. 31, 2016).

Here, per the parties' agreement, Plaintiff is filing herewith as document 23 a SAC removing all claims except Plaintiff's failure-to-accommodate claim under Title VII. Plaintiff's counsel has conferred with OHSU's counsel about the amendment and OHSU consents to it. Defendant will file an Answer to Plaintiff's amended complaint within the time allowed under Rule 15(a)(3).

Because the parties have reached an agreement, the Motion to Strike and Dismiss is now moot.

DATED this 11th day of January, 2024.

Respectfully submitted:

/s/ Paul Janzen
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CERTIFICATE OF SERVICE

I hereby certify that I served the pleading described above on all counsel of record on the date set forth below, via the Court's CM/ECF filing system.

DATED this 11th day of January, 2025.

Respectfully submitted:

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TO FILING OF SECOND AMENDED COMPLAINT
UNDER FRCP 15(a)(2) [Doc 23]

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